IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL
Criminal Misc. Application No. 628/2005

Raghubir Singh s/o Chhataru Singh
r/o Mohall Kaddach
PS Jwalapaur
District Haridwar Applicant

Versus

1. State of Uttaranchal
2. Charan Singh ,Dhola Ram
3. Dhola Ram s/o Chauhada
4. Rishal s/o Dhola Ram
   All resident of village Lathardeva Hoon
   PS Jabreda ,District Haridwar
5. Mannu, s/o Bed Pal, r/o village Kheera Mugal,
   PS Devoband,District Haridwar.

Opposite party.

Hon'ble B.C. Kandpal, J

This application has been filed by the applicant under Section 482 of Cr.P.C in Sessions trial No. 375 of 2001 State vs Charan Singh and others under Section 302,201/34 IPC pending before the court of Sessions Judge Haridwar.

Heard Shri Raj Kumar Verma , learned counsel for the applicant, learned AGA and perused the record .

The petitioner has filed the order sheets of the learned court below which shows that the statement of the accused opposite party No. 2 to 5 were recorded before the court of learned Sessions Judge on 4.6.2004 and the case was fixed for arguments thereafter. It also appears from the order sheet that on 24.1. 2005 the arguments in the case were heard partly. But thereafter the

case is hanging upon on one pretext or the other. The order sheet further shows that on 11.4.2005 again arguments were heard but the case was further adjourned on one ground or the other .This case was again heard on 6.8.2005 and on that date the case was further fixed for 19.8.2005 for judgment but subsequently the order sheet reveals that on 5.9.2005 the case was transferred to the court of IV FTC for disposal.

It is not clear from the order dated 5.9.2005 as to what were the reasons available with the District Sessions Judge for transferring the case to the court of IV FTC for final disposal subsequently after arguments were heard and date for delivering the judgment was fixed.

However on the perusal of the order sheet I come to the conclusion that it is a case in which inherent power under Section 482 Cr.PC is to be exercised. The case should not be kept in the air for indefinite period without any rhyme or reason.

I therefore direct the Learned Sessions Judge either to decide the sessions trial within a period of one month or in case if the officer is available in the transferred court of IV FTC, the officer concerned should decide the Sessions Trial within a period of one month positively.

The petition is accordingly disposed of.

(B.C. Kandpal, J.)

21.09.2005
nbj